

Application No.: 10/028482

Docket No.: 3445

**REMARKS****Claim Amendments**

Claims 1 and 4 have been amended. Claim 20 has been canceled. Claims 28-32 have been added. Claims 1-4, 17 and 21-32 are currently pending.

Claim 1 has been amended to recite that the system also comprises a vacuum-assisted wash station. Support for the amendment can be found, for example, at page 34, lines 10-13 and in Figure 7.

Claim 1 has also been amended to remove several limitations that were previously added to the claim, as well as recitation of the sample preparation method. This subject matter now appears in new claims 28-32.

No new matter has been added.

**Withdrawal of Finality of Office Action Mailed October 18, 2004**

Applicants appreciatively acknowledge the Examiner's withdrawal of finality of the Office Action mailed October 18, 2004. Consequently, Applicants wish to withdraw their appeal pursuant to the Notice of Appeal filed January 18, 2005. Applicants' withdrawal of appeal is for the limited purpose of resuming prosecution in response to the Office Action mailed February 9, 2005, as Applicants are not aware of a mechanism by which an appeal and prosecution of an application can occur simultaneously. Applicants do not waive the right to appeal the instant claims.

**Rejection of Claims 1-4, 17 and 20-27 Under 35 U.S.C. § 112, Second Paragraph**

Claims 1-4, 17 and 20-27 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to point out and distinctly claim the subject matter that applicants regard as the invention. The Examiner states that the phrase "3 to 15 kilobases" in claim 1 is vague and indefinite. Claims 2-4, 17 and 20-27 are rejected for their dependency from claim 1.

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The cited phrase has been deleted from claim 1; however, it now appears in claim 29. Although Applicants respectfully disagree that the cited phrase is vague and indefinite, claim 29 has been drafted to recite "3 kilobases to 15 kilobases" to expedite prosecution. One of ordinary skill in the art would immediately understand the recitation "3 to 15 kilobases" in conjunction with the recitation of "long range polymerase chain reaction amplification" to mean 3,000-15,000 bases. Reconsideration and withdrawal of the rejection are respectfully requested.

Rejection of Claims 1-4, 17, 20 and 26 Under 35 U.S.C. §§ 102(a) and 102(e)(1)

Claims 1-4, 17, 20 and 26 are rejected under 35 U.S.C. §§ 102(a) and 102(e)(1) as being anticipated by Bass *et al.* (US 2001/0039014 A1).

Claim 1, as amended, is directed to a system for high throughput detection of genotypes that includes, *inter alia*, a vacuum-assisted wash station. Bass *et al.* do not teach or otherwise suggest a system that includes a vacuum-assisted wash station. Thus, claim 1 is novel over the art of record, because Bass *et al.* do not teach each limitation of the claim. Claims 2-4, 17, and 26, along with new claims 28-31, all depend from claim 1, and are therefore also novel.

Reconsideration and withdrawal of the rejection are requested.

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**CONCLUSION**

In view of the above amendments and remarks, Applicants believe the pending application is in condition for allowance.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account 01-0431.

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Respectfully submitted,

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